

ARKANSAS SUPREME COURT

No. 06-332

NOT DESIGNATED FOR PUBLICATION

Opinion Delivered

December 14, 2006

DARRELL DENNIS
a/k/a Darrell Napoleon Dennis
Appellant

v.

STATE OF ARKANSAS
Appellee

PRO SE PETITION FOR WRIT OF
MANDAMUS TO EXPEDITE APPEAL
[CIRCUIT COURT OF JEFFERSON
COUNTY, CV 2005-873, HON.
ROBERT HOLDEN WYATT, JR.,
JUDGE]

PETITION FOR WRIT OF
MANDAMUS TREATED AS MOTION
TO EXPEDITE APPEAL AND DENIED.

PER CURIAM

In 1990, appellant Darrell Dennis, also known as Darrell Napoleon Dennis, was convicted by a jury in Pulaski County of aggravated robbery and theft of property. He was sentenced to sixty years' incarceration in the Arkansas Department of Correction for aggravated robbery and twenty years' incarceration for theft of property, to be served concurrently. This court affirmed. *Dennis v. State*, CR 90-170 (Ark. Jan. 28, 1991). Subsequently, appellant sought postconviction relief.¹ The trial court held a hearing on appellant's claims and denied the motion for new trial. This court affirmed. *Dennis v. State*, CR 97-902 (Ark. Oct. 22, 1998) (*per curiam*), *reh'g denied*, CR 97-902 (Ark. Dec. 3, 1998) (*per curiam*).

¹At the time appellant was tried, Ark. R. Crim. P. 36.4 was in effect. However, appellant failed to timely file a petition for postconviction relief pursuant to that rule. Instead, he later filed a petition for writ of habeas corpus in federal district court which included claims of ineffective assistance of counsel. The federal court held that the writ would issue unless the trial court heard appellant's claims. Appellant then filed in the trial court a motion for new trial which included allegations of ineffective assistance of counsel.

In 2005, appellant, who is currently incarcerated in Jefferson County, filed in the circuit court of that county a petition for declaratory judgment and writ of mandamus. Therein, appellant maintained that the statute regarding the award of meritorious good time has been misapplied to all incarcerated persons, including himself. He claimed a deprivation of his liberty interest as a result of the acts of the Arkansas Department of Correction (ADC), and sought declaratory relief and a writ of mandamus to direct “ADC officials to follow State law as provided” by Ark. Code Ann. §12-29-201 (Repl. 2003). The trial court denied the petition and appellant, proceeding *pro se*, has lodged an appeal in this court from that order.

Now before us is appellant’s *pro se* petition for writ of mandamus wherein he requests that the appeal be expedited, which we treat as a motion to expedite appeal. Therein, appellant maintains that “[t]he delay in waiting for a ruling from the ARK. SUPREME COURT is going to make this appellate procedure ineffective in curing this error because the petitioner is already past parole eligible date with the rewarding of the requested good[]time[.]” As appellant failed to demonstrate that there has been an unreasonable delay in the progress of the appeal or that there is other good cause for this appeal to be heard before other postconviction appeals also pending, the motion is denied.

Petition for writ of mandamus treated as motion to expedite appeal and motion denied.